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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,558	12/31/2001	Haim Guata	GUATA=1	8704
1444	7590	05/01/2007	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			PHAM, THIERRY L	
		ART UNIT	PAPER NUMBER	
		2625		
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		05/01/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/019,558	GUATA, HAIM	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thierry L. Pham	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 February 2007.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 and 8-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 & 8-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

- This action is responsive to the following communication: an Amendment filed on 2/1/07.
- Claims 1-6 & 8-15 (pending); claim 7 (canceled).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Piasecki et al (US 5117453), and in view of Jarvinen et al (US 6170073).

Regarding claim 1, Piasecki discloses a digital telecommunication station operative in a telecommunication network (communication network, col. 2, lines 20 to col. 3, lines 36) and comprising:

- at least one detector to receive at least two different types (different types of signals, col. 2, lines 20-63, fig. 1) of signals;
- at least one switch controlled by one of said at least one detector (detector, col. 7, lines 1-68, fig. 2a), operative to channel signals received in accordance with the distinction made by said at least one detector;
- a first transmission means (col. 7, lines 1-56, fig. 2a) operative to transmit received signals along a first transmission path, and to divert signals of at least one other type selected from among said at least two different types of signals; and
- a second transmission means operative to transmit the diverted signals along a second transmission path (col. 7, lines 1-56).

However, Piasecki fails to explicitly teach and/or suggest an association of each signal with a different class of quality of service.

Jarvinen, in the same field of endeavor for telecommunication devices, teaches a well-known example an association of each signal with a different class of quality of service (telecommunication device that includes a detector for detecting different types of

signals and to classify signals into different classes based upon signals quality of services, fig. 7, col. 2, lines 57-65 and col. 3, lines 10-30, fig. 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify telecommunication device of Piasecki to include a detector for detecting different types of signals and to classify signals into different classes based upon signals quality of services as taught by Jarvinen because it reduces the number of lost signals and reduces the need for bad signals substitution (col. 3, lines 30-35 of Jarvinen) and the number of undetected bad signals is reduced and thus signals having potential to cause degradations in the reconstructed signals are detectable and inhibited from being used for such reconstruction (col. 3, lines 31-47 of Jarvien).

Therefore, it would have been obvious to combine Piasecki with Jarvinen to obtain the invention as specified in claim 1.

Regarding claim 2, Piasecki further teaches a digital telecommunication station according to claim 1, further comprising a storage capable of storing diverted signals of said at least one type (col. 8, lines 18-25).

Regarding claim 3, Piasecki further teaches a digital telecommunication station according to claim 1, further comprising at least two different pairs of compressing/decompressing devices (col. 5, lines 22-40).

Regarding claim 4, Piasecki further teaches a digital telecommunication station according to claim 1, wherein said signals of the at least one type of the diverted are facsimile signals (col. 6, lines 34 to col. 7, lines 68).

Regarding claim 5, Piasecki further teaches a digital telecommunication station according to claim 4, further comprising a device for demodulating/re-modulating said facsimile signals (col. 8, lines 1-62).

Regarding claim 6, Piasecki further teaches a digital telecommunication station according to claim 5, wherein said demodulating/re-modulating device comprises facsimile signal demodulator/re-modulator (col. 8, lines 1-62) and forward error correction apparatus wherein the forward error correction apparatus is operative to protect the output of the facsimile demodulator (col. 8, lines 1-17).

Regarding claim 8, Piasecki further teaches a digital telecommunication station according to claim 3 and further comprising:

first identifier for determining whether the signals received are of a digital compressed form (col. 5, lines 22 to col. 6, lines 11);

second identifier for determining whether the transmission path along which the signals will be transmitted includes at least one further operative means adapted for decompressing the signals when being transmitted in their compressed form (col. 7, lines 8 to col. 8, lines 25);

third transmission means operative in response to a determination made by the second identifier that the transmission path does not include at least one further operative means adapted for decompressing the signals when being transmitted in their compressed form (col. 8, lines 1-62); and forth transmission means operative in response to a determination made by the second identifier that the transmission path does include at least one further operative means adapted for decompressing the signals being transmitted in their compressed form into the decompressed digital output signals.

Regarding claims 9-10, Piasecki further teaches telecommunication system (fig. 2a) comprising:

at least one transmitter (fig 2a) at at least first end of the transmission network;

at least one receiver (fig 2a) at at least a second end of the transmission network; and

at least one digital telecommunication station of claim 1. Also see Jarvinen for telecommunication system (fig. 1).

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Regarding claim 11, Piasecki further teaches a telecommunication system according to claim 10, wherein at least one pair of telecommunication stations is selectively (col. 7, lines 1-56, fig. 2a) operated.

Regarding claim 12, Jarvinen further teaches a telecommunication system according to claim 9, wherein said at least one of digital telecommunication station is capable of establishing a communication connection with more than two digital communication stations (fig. 1 and fig. 5).

Regarding claim 13, which recite limitations that are similar and in the same scope of invention as to those in claim 1 above; therefore, claim 13 is rejected for the same rejection rationale/basis as described in claim 1 above.

Regarding claim 14, Piasecki further teaches a method according to claim 13, wherein the diverted signals are stored and transmitted at later stage via said first transmission path (col. 8, lines 10-25).

Regarding claim 15, Piasecki further teaches a method according to claim 14, wherein the diverted signals are stored in a storage means prior to their transmittal along a second transmission path (col. 8, lines 10-25).

#### *Response to Arguments*

Applicant's arguments filed 2/1/07 have been fully considered but they are not persuasive.

- Regarding claims 1 & 13, the applicant argued the cited art of record (US 6170073 Jarvinen et al) fails to teach and/or suggest different class of quality of each signal. In response, the examiner herein fully disagrees. Jarvinen teaches a well-known example an association of each signal with a different class of quality of service (telecommunication device that includes a detector for detecting different types of signals

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and to classify signals into different classes based upon signals quality of services, fig. 7, col. 2, lines 57-65 and col. 3, lines 10-30, fig. 6).

- Regarding claims 1 & 13, the applicant argued there is no motivation to combine the cited prior arts of record (US 5117453 Piasecki et al and US 6170073 Jarvinen et al).

In response, In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for combining the cited prior arts is to reduce the number of lost signals and reduces the need for bad signals substitution (col. 3, lines 30-35 of Jarvinen) and the number of undetected bad signals is reduced and thus signals havingt potential to cause degradatios in the reconstructed signals are detectable and inhibited from being used for such reconstruction (col. 3, lines 31-47 of Jarvien).

- Regarding claims 1 & 13, the applicant argued the combined prior arts of record (US 5117453 Piasecki et al and US 6170073 Jarvinen et al) are not analogous art (e.g. different classifications).

In response to applicant's argument that the cited prior arts of record (US 5117453 Piasecki et al and US 6170073 Jarvinen et al) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both US 5117453 Piasecki et al and US 6170073 Jarvinen et al are in the same field of endeavor for *telecommunication device*.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



GABRIEL I. GARCIA  
PRIMARY EXAMINER